

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CORNELL SMITH,

Plaintiff,

v.

MS. ERICKSON, et al.

Defendants.

ORDER

Case No. 13-cv-600-wmc
Appeal No. 16-3470

Plaintiff Cornell Smith has a deadline of November 4, 2016 to pay the initial partial payment of the appeal fee in this case. Now, plaintiff has filed a letter requesting a court order directing use his release account funds to pay his initial partial appeal payment. Plaintiff's motion for an order directing payment of the \$51.19 initial partial appeal fee out of his release account will be granted. In addition, I will provide plaintiff with an enlargement of time to make his payment.

Plaintiff also requests the remaining appeal fee payments be permanently taken out his release account. With the exception of initial partial payments, this court does not have the authority to tell state officials whether, and to what extent, a prisoner should be able to withdraw money from a release account. Plaintiff cannot use the release account funds to pay the remainder of the balance of the \$505.00 appeal fee, and so plaintiff's request will be denied.

ORDER

IT IS ORDERED that,

1. Plaintiff Cornell Smith's motion for use of release account funds to pay the initial partial appeal fee of \$51.19 in this appeal is GRANTED. Before officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes.

2. Plaintiff's request that the remainder of the appeal fee payments come out of his release account is DENIED.

3. Plaintiff may have until November 28, 2016, to submit a check or money order made payable to the clerk of court in the amount of \$51.19. If by November 28, 2016, plaintiff fails to make the initial partial appeal payment or show cause for failure to do so, the clerk's office will notify the court of appeals so that it may take whatever action it deems appropriate with respect to this appeal.

Entered this 26th day of October, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge